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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/412,328	10/05/1999	YUICHI SATO	204552016500	9541
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MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300			EXAMINER	
			WILLE, DOUGLAS A	
MCLEAN, VA 22102			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   Applicant(s)   SATO, YUICH				Xv
Examiner		Application No.	Applicant(s)	,,,,,,
Douglas A Wille  Dougla		09/412,328	SATO, YUICHI	
- ThoMALING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   B MALINED DATE OF THIS COMMUNICATION  Extensions clarity and post available and the provision of 37 CFR 1 170(a), in no event, however, may a reply be timely filed  # the period for reply a specified above is less bits being 100 (a) as a reply within the statutory minimum of bitty (30) days, are ply within the statutory minimum of bitty (30) days, will be considered timely.  ## The period for reply aspecified above is the substance of the communication of the part of the substance of the communication of the substance of the substance of the communication of the communication.  ## Part of the substance of the communication of the product of the product of the communication of the product of the product of the communication of the product of	Office Action Summary	Examiner	Art Unit	-
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If NO period for reply is specified above, the maximum statutory period will apply and will explice SIX (5) MONTHS from the mainloy able of this communication. Fallute to revolutible that are contained abrend for reply with ty statutive. The above the replacement to become ABANDONED (35 U.S. § 133). Fallute to revolutible that are contained abrend from the mainloy date of the communication, even if simply filled, may reduce any status are patent term adjustment. See 37 CFR 1 704(b).  This action is FINAL.  2b)	A SHORTENED STATUTORY PERIOD FOR REPI THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.	.136(a). In no event, however, may a	a reply be timely filed	
1) Responsive to communication(s) filed on 03 July 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claim(s) 2,3.5-7 and 9-11 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 2,3 and 5-7 is/are allowed.  6) Claim(s) 9-11 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The tran	<ul> <li>If NO period for reply is specified above, the maximum statutory period</li> <li>Failure to reply within the set or extended period for reply will, by statu</li> <li>Any reply received by the Office later than three months after the mailinearned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>	d will apply and will expire SIX (6) MO te, cause the application to become	ONTHS from the mailing date of this commuNABANDONED (35 U.S.C. § 133).	unication.
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### **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

- 1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 2. Claims 9 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and Hu et al. in view of Hodges et al.
- 3. With respect to claims 9 and 10, Hodges et al. show the formation of peripheral circuits for a memory device that uses MOS structures (see Pages 368, 369) which includes both I/O and internal functions and it would be obvious to use the DTMOS devices for these structures for the advantages shown.
- 4. With respect to claim 11, it would be obvious to use the DTMOS devices for these structures for the advantages shown.

## Allowable Subject Matter

5. Claims 2, 3 and 5 - 7 are allowed.

### Response to Arguments

- 6. Applicant's arguments, filed 7/3/0, with respect to claims 2, 3, 5 7 have been fully considered and are persuasive. The rejection of these claims has been withdrawn.
- Applicant's arguments with respect to claim 9 state that the functional limitations would carry weight but note (see MPEP 2114 and the case law quoted there) that apparatus claims must be structurally distinguishable from the prior art. Since the function claimed does not distinguish over the prior art, the rejection is proper and stands. Note however, that further arguments are provided above.

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## Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A Wille whose telephone number is (703) 308-4949. The examiner can normally be reached on M-F (6:15-2:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Douglas A. Wille Primary Examiner